

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Revision of the Commission's Rules) CC Docket No. 94-102
To Ensure Compatibility with Enhanced)
E911 Emergency Calling Systems)
Petition for Limited Waiver)

June 21, 2002

To: Wireless Telecommunications Bureau

Iowa Wireless Services L.P.
Petition for limited Waiver

Iowa Wireless Services L.P. and the partners listed in Attachment A (Iowa Wireless) pursuant to Sections 1.3 and 1.925 of the Commission's rules, hereby requests temporary waiver of the June 30, 2002 deadline requiring wireless carriers to be capable of transmitting 911 calls by TTY devices.¹ Due to vendor delays, it is impossible for Iowa Wireless to implement the software and hardware upgrades necessary for TTY compliance by the Commission's June 30, 2002 deadline. For the reasons discussed below, Iowa Wireless respectfully requests an additional five months, until December 2, 2002, to achieve TTY compliance.

I. Introduction and Background

Iowa Wireless is a small Personal Communications Services ("PCS") licensee providing service in rural eastern Iowa and western Illinois. Iowa Wireless utilizes GSM technology throughout its PCS network. Iowa Wireless is

¹ CC Docket No. 94-102, Fourth Report and Order.

working with its infrastructure vendor, Nokia to implement the necessary hardware and software upgrades for TTY compliance.

Iowa Wireless has consistently filed quarterly reports informing the Commission of its progress in meeting the TTY requirements. In its 2001 Fourth Quarterly Report, Iowa Wireless informed the Commission that its vendor Nokia could not provide a firm date when compliant TTY software would be available. In that report Iowa Wireless asked for a waiver of the December 31, 2001 deadline for obtaining all software upgrades and equipment necessary to transmit 911 calls from TTY devices.

On April 15, 2002, Iowa wireless filed its 2002 First Quarterly Report. At that time Iowa Wireless informed the Commission that Nokia, its network vendor, was in the trial stage of testing some customers for TTY access. At that time Iowa Wireless stated its ability to meet the June 30, 2002 deadline was dependent upon the availability of compliant software and that Iowa Wireless would file a report or waiver request when more information was available.

II. Discussion

A. Current Status

This week Nokia informed Iowa Wireless that problems were encountered in TTY testing and that the software upgrades are not ready for release. Iowa Wireless has learned that major problems were encountered by companies that installed the Nokia S10, TTY software. AT&T Wireless Services Inc. (AWS) in its waiver petition stated the S10 software created problems resulting in major

network failure.² Nokia has not provide Iowa Wireless an update on when it expects to have the S10 release problems resolved or when the software will be generally available. AWS in its filing stated it expects the Nokia S10 release to be generally available August 5, 2002. While the software may be available to AWS and other large carriers at that time, it is unlikely it will be available to Iowa Wireless on the same date. Certainly Nokia will concentrate its resources on delivering and installing its software to its large nationwide customers before focusing on a small carrier like Iowa Wireless. Nokia has not provided a date when it will be able to provide Iowa Wireless the software and the necessary resources for implementation and testing.

Implementation of the compliant software requires an upgrade to Iowa Wireless's core switching hardware. Iowa Wireless has delayed the upgrade of the hardware until Nokia can provide stable compliant software. The hardware upgrade requires significant capital investment. Iowa Wireless wants to be sure the hardware upgrades are compatible with the TTY compliant software. Once the Nokia TTY software has been successfully tested and Iowa Wireless has firm information regarding the hardware upgrades necessary to implement the TTY software, it will begin installation.

B. Deployment Schedule

If as anticipated, Nokia has compliant software on August 5, 2002, Iowa Wireless will order the hardware necessary to install the TTY software. Since

² AT&T Wireless Services Inc. Petition for Limited Waiver filed June 7, 2002 in CC Docket No. 94-102.

Nokia will be engaged with its large companies initially,³ Iowa Wireless estimates it will be October 1, 2002 before Nokia will have the resources to devote to hardware and software deployment in the Iowa Wireless market area. Once the software is available, implementation, deployment and testing will take at least an additional eight weeks. Based upon the above forecasts, Iowa Wireless requests a limited waiver until December 2, 2002 to achieve TTY compliance.

C. Basis for Waiver

Under Section 1.3 of the Commission's rules, the Commission may grant a waiver if, "in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative."⁴ Under these standards grant of the requested waiver is warranted. Due to circumstances beyond its control Iowa Wireless cannot obtain TTY compliant software in time to meet the June 30, 2002 deadline. As a small rural carrier Iowa Wireless cannot influence the product development and deployment of its vendor. Iowa Wireless has no alternative but to rely on its network vendor for the hardware and software necessary to achieve TTY compatibility.

Iowa Wireless does not seek a total waiver of the rule but merely a reasonable extension of the deadline. Iowa Wireless will file its quarterly reports informing the Commission of its progress by July 15th and September 15th. Upon successful deployment of the TTY capability Iowa Wireless will file a final report.

³ AT&T Wireless Services Inc., page 8 of its Petition for Limited Waiver requests a September 30, 2002 compliance date.

III Conclusion

Based on the foregoing, Iowa Wireless respectfully requests the Commission grant a temporary waiver of Section 20.18(c) of the Commission's rules and permit Iowa Wireless to deploy TTY capability by December 2, 2002.

Respectfully Submitted
Iowa Wireless Services L.P.

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⁴ 47 C.F.R. §1.925(b)(3).